



PETITION FOR REMISSION/MITIGATION FORM

Note: There is no legal form or format required for filing a petition; this document is provided for your convenience. Please visit <https://www.forfeiture.gov/FilingPetition.htm> for more specific guidance on filing your petition with the appropriate seizing agency.

Frivolous Petition Statement: A petition containing false information may subject the petitioner to criminal prosecution under Title 18 United States Code Section 1001 and Title 18 United States Code Section 1621.

Privacy Act Notice: The Department of Justice is collecting this information for the purpose of processing your petition for remission and/or mitigation. Providing this information is voluntary; however, the information is necessary to process your application. Information collected is covered by Privacy Act System of Records Notice Department of Justice (DOJ), DOJ-002-DOJ Computer Systems Activity & Access Records, Federal Register (71 FR 29170). This information may be disclosed to contractors when necessary to accomplish an agency function, to law enforcement when there is a violation or potential violation of law, or in accordance with other published routine uses. For a complete list of routine uses, see the system records notice listed above.

SECTION I - CONTACT INFORMATION

PETITIONER INFORMATION	
Petitioner/Contact Name: (Last, First) Kang, David	
Business/Institution Name: (if applicable) Ria R Squared, Inc.	Prisoner ID: (if applicable)
Address: (Include Street, City, State, and Zip Code) 405 Lexington Ave. Fl. 2600 New York, NY 10174	
Social Security Number/Tax Identification Number: (Enter N/A if you do not have one) 66-0858686	
Phone: (optional)	Email: (optional)
ATTORNEY INFORMATION (if applicable)	
Attorney Name: (Last, First) Popofsky, Steven R.	
Attorney Title:	
Firm Name: (if applicable) Kleinberg, Kaplan, Wolff & Cohen, P.C.	
Attorney Address: (Include Street, City, State, and Zip Code) 500 Fifth Ave. New York, NY 10110	
Are you an attorney filing this petition on behalf of your client? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Attorney Phone: (optional) 212-880-9882	Attorney Email: (optional) spopofsky@kkwc.com

If any of this information changes, you are responsible for notifying the agency of the new information.

SECTION II - ASSET LIST

You must identify your role for each asset in your petition. Please review the role definitions below.

ROLE INFORMATION (multiple roles may apply to each asset)	
Owner	<i>The person in whom primary title is vested or whose interest is manifested by the actual and beneficial use of the property, even though the title is vested in another. A victim of an offense, as defined in this section, may also be an owner if he or she has a present legally cognizable ownership interest in the property forfeited. A nominal owner of property will not be treated as its true owner if he or she is not its beneficial owner.</i>
Victim	<i>A person who has incurred a pecuniary loss as a direct result of the commission of the offense underlying a forfeiture. A drug user is not considered a victim of a drug trafficking offense under this definition. A victim does not include one who acquires a right to sue the perpetrator of the criminal offense for any loss by assignment, subrogation, inheritance or otherwise from the actual victim, unless that person has acquired an actual ownership interest in the forfeited property; provided however, that if a victim has received compensation from insurance or any other source with respect to a pecuniary loss, remission may be granted to the third party who provided the compensation, up to the amount of the victim's pecuniary loss.</i>
Lienholder	<p><i>A creditor whose claim or debt is secured by a specific right to obtain satisfaction against the particular property subject to forfeiture. A lien creditor qualifies as a lienholder if the lien:</i></p> <p><i>(1) Was established by operation of law or contract;</i></p> <p><i>(2) Was created as a result of an exchange of money, goods, or services; and</i></p> <p><i>(3) Is perfected against the specific property forfeited for which remission or mitigation is sought (e.g., a real estate mortgage; a mechanic's lien).</i></p>

Identify the asset ID and asset description for each asset you are petitioning and indicate your role as a petitioner for each asset. You may select one or more roles.

#	Asset ID	Asset Description	Owner	Victim	Lienholder
1	21-FBI-007105	Financial Instrument - Checking and Savings Accounts - Value = \$739,143.76, SN: ****5012 seized by the FBI on June 16, 2021 in Lander, WY.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	21-FBI-007120	Financial Instrument - Checking and Savings Accounts - Value = \$10,876.24, SN: ****6428 seized by the FBI on June 16, 2021 in Lander, WY.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3	21-FBI-007381	Financial Instrument - Checking and Savings Accounts - Value = \$969.97, SN: ****3668 seized by the FBI on June 16, 2021 in Riverton, WY.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	21-FBI-007382	Financial Instrument - Checking and Savings Accounts - Value = \$699,531.26, SN: ****3957 seized by the FBI on June 16, 2021 in Riverton, WY.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5	21-FBI-007383	Financial Instrument - Checking and Savings Accounts - Value = \$351,300.67, SN: ****2061 seized by the FBI on June 16, 2021 in Lander, WY.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	21-FBI-007384	Financial Instrument - Checking and Savings Accounts - Value = \$8,428,307.55, SN: ****1606 seized by the FBI on June 16, 2021 in lander, WY.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7	21-FBI-008703	Financial Instrument - Checking and Savings Accounts - Value = \$13,870.89, SN: ****2284 seized by the FBI on July 27, 2021 in lander, WY.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8	21-FBI-008704	Financial Instrument - Checking and Savings Accounts - Value = \$301,129.11, SN: ****4358 seized by the FBI on July 2, 2021 in Lander, WY.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SECTION II - ASSET LIST

#	Asset ID	Asset Description	Owner	Victim	Lienholder
9	21-FBI-008705	Financial Instrument - Checking and Savings Accounts - Value = \$372,509.60, SN: ****0746 seized by the FBI on July 2, 2021 in lander, WY.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10	21-FBI-008759	Financial Instrument - Checking and Savings Accounts - Value = \$550,000.00, SN: ****4516 seized by the FBI on June 17, 2021 in Lander, WY.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11	21-FBI-008760	Financial Instrument - Checking and Savings Accounts - Value = \$500,000.00, SN: ****6221 seized by the FBI on June 17, 2021 in Lander, WY.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12	21-FBI-008761	Financial Instrument - Checking and Savings Accounts - Value = \$838,845.23, SN: ****2868 seized by the FBI on June 24, 2021 in Lander, WY.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13	21-FBI-008762	Financial Instrument - Checking and Savings Accounts - Value = \$496,692.45, SN: **** seized by the FBI on July 26, 2021 in lander, WY.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SECTION III - VICTIM PETITION

If you are filing this petition as a victim, please fill out the information below. The information must apply to all of the assets you selected as a victim role in the previous section. If you are not filing as a victim for any assets, you may skip this section.

I am requesting remission of this forfeiture because I am a victim of the criminal offense underlying the forfeiture of this property or am the victim of a related offense and I have suffered a pecuniary loss as a result of that offense as described below:

See the attached Complaint (with exhibits but without the voluminous exhibits to those exhibits) in our civil suit against Paul McCown. We sent \$14,700,000 to Paul McCown due to the false and fraudulent representations for which we understand he is pleading guilty. The total debt he owed to us was \$15 million pursuant to a promissory note. We are also entitled to interest on those sums, and our total loss includes as well the opportunity cost, in excess of \$2,000,000, for the money out of which we were defrauded.

Please provide the total pecuniary loss claimed. This is the total amount you claim to have lost.

17000000.00 United States Dollar

If you have recovered any of your losses, please list the details below. If you have more than two sources of recovery, please print multiple copies of this table to submit with the petition.

SOURCE(S) OF RECOVERY (if applicable)	
Source of Recovery 1: Phillip McCown	Amount of Recovery: 23699.33 United States Dollar

In the space below, please list any documents you are including in support of your victim petition. If none are included, please explain why.

* Our Complaint, referred to above, is attached, and sets forth the basis for our entitlement to monies seized by the FBI that are the proceeds of Mr. McCown's fraud perpetrated against us. - Attachment to Petition - Complaint with Exhibits. pdf

SECTION IV - INTEREST IN PROPERTY

Provide additional information for the assets where you have identified yourself as the owner and/or lienholder. If you are petitioning for multiple assets and the responses are not the same for each asset, please print out multiple copies of this page to submit with the petition and indicate which assets apply to each page. If you have documentation that supports your interest in the petitioned assets (bill of sale, retail installment agreements, contracts, titles or mortgages) please include copies of the documents with the submission of the petition.

INTEREST IN PROPERTY INFORMATION	
Asset ID	Asset Description
21-FBI-007105	Financial Instrument - Checking and Savings Accounts - Value = \$739,143.76, SN: ****5012 seized by the FBI on June 16, 2021 in Lander, WY.
21-FBI-007120	Financial Instrument - Checking and Savings Accounts - Value = \$10,876.24, SN: ****6428 seized by the FBI on June 16, 2021 in Lander, WY.
21-FBI-007381	Financial Instrument - Checking and Savings Accounts - Value = \$969.97, SN: ****3668 seized by the FBI on June 16, 2021 in Riverton, WY.
21-FBI-007382	Financial Instrument - Checking and Savings Accounts - Value = \$699,531.26, SN: ****3957 seized by the FBI on June 16, 2021 in Riverton, WY.
21-FBI-007383	Financial Instrument - Checking and Savings Accounts - Value = \$351,300.67, SN: ****2061 seized by the FBI on June 16, 2021 in Lander, WY.
21-FBI-007384	Financial Instrument - Checking and Savings Accounts - Value = \$8,428,307.55, SN: ****1606 seized by the FBI on June 16, 2021 in lander, WY.
21-FBI-008703	Financial Instrument - Checking and Savings Accounts - Value = \$13,870.89, SN: ****2284 seized by the FBI on July 27, 2021 in lander, WY.
21-FBI-008704	Financial Instrument - Checking and Savings Accounts - Value = \$301,129.11, SN: ****4358 seized by the FBI on July 2, 2021 in Lander, WY.
21-FBI-008705	Financial Instrument - Checking and Savings Accounts - Value = \$372,509.60, SN: ****0746 seized by the FBI on July 2, 2021 in lander, WY.
21-FBI-008759	Financial Instrument - Checking and Savings Accounts - Value = \$550,000.00, SN: ****4516 seized by the FBI on June 17, 2021 in Lander, WY.
21-FBI-008760	Financial Instrument - Checking and Savings Accounts - Value = \$500,000.00, SN: ****6221 seized by the FBI on June 17, 2021 in Lander, WY.
21-FBI-008761	Financial Instrument - Checking and Savings Accounts - Value = \$838,845.23, SN: ****2868 seized by the FBI on June 24, 2021 in Lander, WY.
21-FBI-008762	Financial Instrument - Checking and Savings Accounts - Value = \$496,692.45, SN: **** seized by the FBI on July 26, 2021 in lander, WY.

In the space below, please explain why you have a valid, good faith, and legally recognizable interest in the asset(s) as an owner or lienholder:

See the attached Complaint.

Select the reason why you are petitioning for remission and/or mitigation of the asset(s)?

- ☐ I am an innocent owner and I did not know of the conduct giving rise to the forfeiture OR I am an innocent owner and upon learning of the conduct giving rise to the forfeiture, I did all that reasonably could be expected under the circumstance to terminate such use of the property.
- ☒ I was a bona fide purchaser or seller of the forfeited property for value, AND I did not know and was without cause to believe that the property was subject to forfeiture at the time I acquired my interest in the property.
- ☐ None of the above. I am only seeking mitigation.

SECTION IV - INTEREST IN PROPERTY

In the space below, please explain the reason for filing a petition.

See above and the attached Complaint.

In the event that the ruling official determines that I do not qualify for remission of the property, I hereby request mitigation of the forfeiture to avoid extreme hardship.

☒ YES ☐ NO

In support of my request, I would like the ruling official to consider the following extenuating circumstances:

See above.

In the space below, please list any documents you are including in support of your interest in the asset(s). If none are included, please explain why.

* See the attached Complaint in our civil suit against Paul McCown. - Attachment to Petition - Complaint with Exhibits. pdf

SECTION V - RECOVERY OF LOSS

Complete this section for the assets where you have identified yourself as the owner and/or lienholder and you have recovered all or a portion of your losses either via an insurance claim and/or via some other source of recovery. If you have more recovery of loss information than may fit on this page, print out multiple copies of this page to submit with the petition and indicate which assets apply to each page. If you have not received any recovery of your losses, then leave this section blank.

RECOVERY OF LOSS INFORMATION	
Asset ID	Asset Description
21-FBI-007105	Financial Instrument - Checking and Savings Accounts - Value = \$739,143.76, SN: ****5012 seized by the FBI on June 16, 2021 in Lander, WY.
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21-FBI-008762	Financial Instrument - Checking and Savings Accounts - Value = \$496,692.45, SN: **** seized by the FBI on July 26, 2021 in lander, WY.

If other sources of recovery exist (e.g., restitution, returns on investment or other settlements), please list and describe the details below.

OTHER SOURCE(S) OF RECOVERY (if applicable)	
Source of Recovery 1: Phillip McCown	Amount of Recovery: 23699.33 United States Dollar

In the space below, please list any documents you are including in support of your recovery of loss. If none are included, please explain why.

* See the attached Complaint. - Attachment to Petition - Complaint with Exhibits.pdf

SECTION VI - DECLARATION AND REPRESENTATION

The following declaration should be completed by the petitioner. If the petitioner is represented by an attorney, the attorney may complete the declaration as long as the petitioner completes the sworn notice of representation.

I attest and declare under penalty of perjury that my petition is not frivolous and the information provided in support of my petition is true and correct to the best of my knowledge and belief.

Petition electronically signed by the attorney for the petitioner

Signature

Popofsky, Steven R.

Printed Name

6/14/22

Date

Sworn Notice of Representation

This section must be completed only by petitioners who are represented by an attorney and whose attorney has executed the declaration provided above.

I have retained the above-named attorney who has authority to represent me in this matter. I have fully reviewed the foregoing petition and found that its contents are truthful and accurate in every respect. I declare under penalty of perjury that the foregoing information is true and correct.

Petition electronically signed by the attorney for the petitioner

Signature

Kang, David

Printed Name

6/14/22

Date

A petition containing false information may subject the petitioner to criminal prosecution under Title 18 United States Code Section 1001 and Title 18 United States Code Section 1621.

Attached Documents:

- * Sworn Notice - Ria R. Squared, Inc. - Signed Petition.pdf
- * Signed Petition - Ria R. Squared, Inc. - Signed Petition.pdf